

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**511 INNOVATIONS, INC.,**

**Plaintiff,**

**v.**

**HTC AMERICA, INC., *et al.*,**

**Defendants.**

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**CIVIL ACTION NO. 2:15-cv-1524**

**JURY TRIAL REQUESTED**

**LEAD CASE**

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**511 INNOVATIONS, INC.,**

**Plaintiff,**

**v.**

**SAMSUNG TELECOMMUNICATIONS  
AMERICA, LLC, *et al.*,**

**Defendants.**

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**CIVIL ACTION NO. 2:15-cv-1526**

**JURY TRIAL REQUESTED**

**CONSOLIDATED CASE**

**SAMSUNG ELECTRONICS AMERICA, INC. AND SAMSUNG  
ELECTRONICS CO., LTD.'S ANSWER, AFFIRMATIVE DEFENSES,  
AND COUNTERCLAIMS TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendants Samsung Electronics America, Inc. ("SEA") and Samsung Electronics Co., Ltd. ("SEC") (collectively "Samsung") file their Answer, Affirmative Defenses, and Counterclaims ("Answer") to Plaintiff 511 Innovations, Inc.'s ("511 Innovations") First Amended Complaint for Patent Infringement ("Amended Complaint") [Doc. 55] as follows:

**I. ANSWER**

**Nature of the Suit**

1. Samsung admits the allegations in this paragraph but denies that 511 Innovations is entitled to any relief requested.

### **The Parties**

2. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

3. Samsung admits that SEA is a wholly-owned subsidiary of SEC and is incorporated under the laws of New York, having a principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. Except as expressly admitted, Samsung denies each and every allegation in this paragraph

4. Samsung admits that Samsung Electronics is a corporation organized under the laws of the Republic of Korea. Its principal place of business is at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443-742, Republic of Korea. Except as expressly admitted, Samsung denies each and every allegation in this paragraph.

5. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

6. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

7. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

8. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

9. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

### **Jurisdiction and Venue**

10. Samsung admits that this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 1338(a). Except as expressly admitted herein, Samsung denies each and every allegation in this paragraph.

11. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

12. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

13. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

14. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph as they relate to other defendants, and on that basis denies them. Samsung admits that, for purposes of this action only, the Court has specific personal jurisdiction over Samsung. Except as expressly stated, Samsung denies the remainder of the allegations in this paragraph.

15. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph as they relate to other defendants, and on that basis denies them. Samsung denies the remainder of the allegations in this paragraph.

### **Background**

#### **A. The Asserted Patents**

16. Samsung admits that 511 Innovations has asserted certain patents in this matter, but denies that it has infringed any patents.

17. Samsung admits that Exhibit A appears to be a copy of U.S. Patent No. 6,307,629 B1 (“the ’629 Patent”), and that on its face, the ’629 Patent is entitled “Apparatus and Method for Measuring Optical Characteristics of an Object.” Except as expressly admitted, Samsung denies each and every allegation of this paragraph.

18. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

19. Samsung admits that Exhibit B appears to be a copy of U.S. Patent No. 6,490,038 B1 (“the ’038 Patent”), and that on its face, the ’038 Patent is entitled “Apparatus and Method for Measuring Optical Characteristics of an Object.” Except as expressly admitted, Samsung denies each and every allegation of this paragraph.

20. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

21. Samsung admits that Exhibit C appears to be a copy of U.S. Patent No. 7,113,283 B2 (“the ’283 Patent”), and that on its face, the ’283 Patent is entitled “Apparatus and Method for Measuring Color.” Except as expressly admitted, Samsung denies each and every allegation of this paragraph.

22. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

23. Samsung admits that Exhibit D appears to be a copy of U.S. Patent No. 6,915,955 B2 (“the ’955 Patent”), and that on its face, the ’955 Patent is entitled “Apparatus for Determining Multi-Bit Data via Light Received by a Light Receiver Coupled to Spectral Sensors That Measure Light in Spectral Bands.” Except as expressly admitted, Samsung denies each and every allegation of this paragraph.

24. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

25. Samsung admits that Exhibit E appears to be a copy of U.S. Patent No. 7,110,096 B2 (“the ’096 Patent”), and that on its face, the ’096 Patent is entitled “Method for Determining Optical Characteristics Through a Protective Barrier.” Except as expressly admitted, Samsung denies each and every allegation of this paragraph.

26. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

27. Samsung admits that Exhibit F appears to be a copy of U.S. Patent No. 7,397,541 B2 (“the ’541 Patent”), and that on its face, the ’541 Patent is entitled “Apparatus and Method for Measuring Optical Characteristics of an Object.” Except as expressly admitted, Samsung denies each and every allegation of this paragraph.

28. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

29. Samsung admits that Exhibit G appears to be a copy of U.S. Patent No. 8,472,012 B2 (“the ’012 Patent”), and that on its face, the ’012 Patent is entitled “Apparatus Having a First Optical Sensor Making a First Measurement to Detect Position and a Second Optical Sensor Making a Second Measurement.” Except as expressly admitted, Samsung denies each and every allegation of this paragraph.

30. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

31. Samsung admits that Exhibit H appears to be a copy of U.S. Patent No. 8,786,844 B2 (“the ’844 Patent”), and that on its face, the ’841 Patent is entitled “Apparatus for Measuring

Optical Characteristics Including Position Detection.” Except as expressly admitted, Samsung denies each and every allegation of this paragraph.

32. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them

**B. The Samsung Defendants**

33. Samsung admits to doing business in within the United States but denies the remainder of the allegations in this paragraph.

34. Samsung denies the allegations in this paragraph.

35. Samsung admits that the Samsung Galaxy Note 4 is sold and offered for sale in this District but denies the remainder of the allegations in this paragraph.

**C. Huawei**

36. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

37. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

38. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**D. ZTE**

39. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

40. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

41. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**E. The AMS Defendants**

42. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

43. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**F. JIL and Spectral Sensors**

44. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

45. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

46. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

47. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

48. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

49. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**G. The AMS Defendants' Dealings with JIL and Spectral Sensors**

50. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

51. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

52. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

53. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

54. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

55. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

56. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

57. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

### **Claims – Samsung Defendants**

58. Samsung denies the allegations in this paragraph but does not dispute that 511 Innovations asserts several causes of action against Samsung.

#### **A. Infringement of the ‘629 Patent**

59. Samsung incorporates by reference paragraphs 1-58 above, as if fully set forth herein.

60. Samsung denies the allegations in this paragraph.

61. Samsung denies the allegations in this paragraph.

62. Samsung denies the allegations in this paragraph.



63. Samsung denies the allegations in this paragraph.

**B. Infringement of the '038 Patent**

64. Samsung incorporates by reference paragraphs 1-63 above, as if fully set forth herein.

65. Samsung denies the allegations in this paragraph.

66. Samsung denies the allegations in this paragraph.

67. Samsung denies the allegations in this paragraph.

68. Samsung denies the allegations in this paragraph.

**C. Infringement of the '283 Patent**

69. Samsung incorporates by reference paragraphs 1-68 above, as if fully set forth herein.

70. Samsung denies the allegations in this paragraph.

71. Samsung denies the allegations in this paragraph.

72. Samsung denies the allegations in this paragraph.

73. Samsung denies the allegations in this paragraph.

**D. Infringement of the '955 Patent**

74. Samsung incorporates by reference paragraphs 1-73 above, as if fully set forth herein.

75. Samsung denies the allegations in this paragraph.

76. Samsung denies the allegations in this paragraph.

77. Samsung denies the allegations in this paragraph.

78. Samsung denies the allegations in this paragraph.

**E. Infringement of the ‘096 Patent**

79. Samsung incorporates by reference paragraphs 1-78 above, as if fully set forth herein.

80. Samsung denies the allegations in this paragraph.

81. Samsung denies the allegations in this paragraph.

82. Samsung denies the allegations in this paragraph.

83. Samsung denies the allegations in this paragraph.

**F. Infringement of the ‘541 Patent**

84. Samsung incorporates by reference paragraphs 1-83 above, as if fully set forth herein.

85. Samsung denies the allegations in this paragraph.

86. Samsung denies the allegations in this paragraph.

87. Samsung denies the allegations in this paragraph.

88. Samsung denies the allegations in this paragraph.

**G. Infringement of the ‘012 Patent**

89. Samsung incorporates by reference paragraphs 1-88 above, as if fully set forth herein.

90. Samsung denies the allegations in this paragraph.

91. Samsung denies the allegations in this paragraph.

92. Samsung denies the allegations in this paragraph.

93. Samsung denies the allegations in this paragraph.

**H. Infringement of the ‘844 Patent**

94. Samsung incorporates by reference paragraphs 1-93 above, as if fully set forth herein.

95. Samsung denies the allegations in this paragraph.

96. Samsung denies the allegations in this paragraph.

97. Samsung denies the allegations in this paragraph.

98. Samsung denies the allegations in this paragraph.

**Claims – Huawei**

99. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph but does not dispute that 511 Innovations asserts several causes of action against Huawei.

**A. Infringement of the ‘629 Patent**

100. Samsung incorporates by reference paragraphs 1-99 above, as if fully set forth herein.

101. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

102. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

103. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

104. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**B. Infringement of the '096 Patent**

105. Samsung incorporates by reference paragraphs 1-104 above, as if fully set forth herein.

106. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

107. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

108. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

109. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**C. Infringement of the '541 Patent**

110. Samsung incorporates by reference paragraphs 1-109 above, as if fully set forth herein.

111. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

112. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

113. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

114. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**D. Infringement of the '012 Patent**

115. Samsung incorporates by reference paragraphs 1-114 above, as if fully set forth herein.

116. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

117. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

118. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

119. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**E. Infringement of the '844 Patent**

120. Samsung incorporates by reference paragraphs 1-119 above, as if fully set forth herein.

121. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

122. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

123. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

124. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

### **Claims – ZTE**

125. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph but does not dispute that 511 Innovations asserts several causes of action against ZTE.

#### **A. Infringement of the ‘629 Patent**

126. Samsung incorporates by reference paragraphs 1-125 above, as if fully set forth herein.

127. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

128. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

129. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

130. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

#### **B. Infringement of the ‘096 Patent**

131. Samsung incorporates by reference paragraphs 1-130 above, as if fully set forth herein.

132. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

133. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

134. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

135. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**C. Infringement of the ‘541 Patent**

136. Samsung incorporates by reference paragraphs 1-135 above, as if fully set forth herein.

137. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

138. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

139. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

140. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**D. Infringement of the ‘012 Patent**

141. Samsung incorporates by reference paragraphs 1-140 above, as if fully set forth herein.

142. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

143. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

144. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

145. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**E. Infringement of the ‘844 Patent**

146. Samsung incorporates by reference paragraphs 1-145 above, as if fully set forth herein.

147. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

148. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

149. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

150. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**Claims – AMS Defendants**

151. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph but does not dispute that 511 Innovations asserts several causes of action against the AMS Defendants.

**A. Infringement of the ‘629 Patent**

152. Samsung incorporates by reference paragraphs 1-151 above, as if fully set forth herein.



153. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

154. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

155. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

156. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

157. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**B. Infringement of the '038 Patent**

158. Samsung incorporates by reference paragraphs 1-157 above, as if fully set forth herein.

159. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

160. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

161. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

162. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

163. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**C. Infringement of the '283 Patent**

164. Samsung incorporates by reference paragraphs 1-163 above, as if fully set forth herein.

165. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

166. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

167. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

168. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

169. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**D. Infringement of the '955 Patent**

170. Samsung incorporates by reference paragraphs 1-169 above, as if fully set forth herein.

171. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

172. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

173. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

174. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

175. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**E. Infringement of the '096 Patent**

176. Samsung incorporates by reference paragraphs 1-175 above, as if fully set forth herein.

177. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

178. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

179. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

180. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

181. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**F. Infringement of the '541 Patent**

182. Samsung incorporates by reference paragraphs 1-181 above, as if fully set forth herein.

183. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

184. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

185. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

186. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

187. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**G. Infringement of the '012 Patent**

188. Samsung incorporates by reference paragraphs 1-187 above, as if fully set forth herein.

189. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

190. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

191. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

192. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

193. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**H. Infringement of the '844 Patent**

194. Samsung incorporates by reference paragraphs 1-193 above, as if fully set forth herein.

195. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

196. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

197. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

198. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

199. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

**Vicarious Liability**

200. Samsung incorporates by reference paragraphs 1-199 above, as if fully set forth herein.

201. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph as they relate to other defendants, and on that basis denies them. Samsung denies the remainder of the allegations in this paragraph.

**Notice and Marking**

202. Samsung incorporates by reference paragraphs 1-201 above, as if fully set forth herein.

203. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, and on that basis denies them.

204. Samsung lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph as they relate to other defendants, and on that basis denies them. Samsung denies the remainder of the allegations in this paragraph

### **Damages**

205. Samsung incorporates by reference paragraphs 1-204 above, as if fully set forth herein.

206. Samsung denies the allegations in this paragraph.

### **Prayer for Relief**

Samsung denies that 511 Innovations is entitled to any of the relief it seeks. 511 Innovations' prayer for relief should, therefore, be denied in its entirety and with prejudice, and 511 Innovations should take nothing.

### **Jury Demand**

511 Innovations' jury demand requires no answer. Samsung demands a jury trial on all issues so triable.

## **II. AFFIRMATIVE DEFENSES**

Samsung asserts the following Affirmative Defenses listed below. Samsung reserves the right to amend its Answer, including asserting additional defenses and counterclaims consistent with the facts discovered in the case.

**First Affirmative Defense (Non-Infringement)**

1. Samsung has not infringed and is not infringing, either literally or under the doctrine of equivalents, directly, contributorily, by inducement, willfully, or jointly, any valid and enforceable claim of the Asserted Patents.

**Second Affirmative Defense (Invalidity)**

2. One or more of the claims of the Asserted Patents are invalid under U.S.C. §§ 1, et seq., including, but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103, 111, 112, 116, 132, and/or 251, as well as the applicable provisions of Title 37 of the Code of Federal Regulations

**Third Affirmative Defense (Prosecution History Estoppel)**

3. 511 Innovations' claims are barred, in whole or in part, by prior art and/or statements and representations made to and by the United States Patent & Trademark Office ("PTO") during prosecution of the Asserted Patents or application related thereto, such that the patent is so limited that none of its claims can be construed as covering any activity of Samsung.

**Fourth Affirmative Defense (Laches, Waiver and Estoppel)**

4. 511 Innovations' claims are barred based on laches, waiver, and estoppel.

**Fifth Affirmative Defense (Limitation of Damages)**

5. 511 Innovations' damages are barred, in whole or in part, under 35 U.S.C. §§ 286, 287 and/or 288.

**Sixth Affirmative Defense (No Injunctive Relief)**

6. 511 Innovations' claim for injunctive relief is barred because any alleged injury to 511 Innovations is not immediate or irreparable, and 511 Innovations has an adequate remedy at law for any alleged injury.

### **III. SAMSUNG'S COUNTERCLAIMS**

Without admitting any of the allegations of the Amended Complaint other than those expressly admitted herein, and without prejudice to Samsung's right to plead additional counterclaims as the facts of the matter warrant, Samsung asserts the following counterclaims against 511 Innovations:

#### **The Parties**

1. Counterclaimant Samsung Electronics America, Inc. is a corporation organized and existing under the laws of the State of New York, with its principal place of business located at 105 Challenger Road, Ridgefield Park, NJ 07660. Samsung Electronics America, Inc. is a wholly owned subsidiary of Samsung Electronics Company, Ltd.

2. Counterclaimant Samsung Electronics Co., Ltd. is a corporation organized under the laws of the Republic of Korea, with its principal place of business located at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443-742, Republic of Korea

3. On information and belief, based on 511 Innovations' allegations set forth in the Amended Complaint, counterclaim defendant 511 Innovations is a Texas corporation purporting to be the exclusive owner of the Asserted Patents by assignment.

#### **Jurisdiction and Venue**

4. The counterclaims include claims for declaratory judgment of patent non-infringement and patent invalidity, and jurisdiction is proper under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq., concerning actions related to patents, and 28 U.S.C. §§ 1331 and 1338.

5. Venue is proper in this Court under 28 U.S.C. § 1391.



6. This Court has personal jurisdiction over 511 Innovations by virtue of 511 Innovations' filing of the Amended Complaint against Samsung in this Court.

### **General Allegations**

7. On September 14, 2015, 511 Innovations filed the Original Complaint in the United States District Court for the Eastern District of Texas, Marshall Division. On January 12, 2016, 511 Innovations filed the First Amended Complaint. The Amended Complaint alleges that Samsung infringes U.S. Patent Nos. 6,307,629 B1; 6,490,038 B1; 7,113,283 B2; 6,915,955 B2; 7,110,096 B2; 7,397,541 B2; 8,472,012 B2; and 8,786,844 B2 (the "Asserted Patents").

8. In paragraphs 18, 20, 22, 24, 26, 28, 30, and 32 of the Amended Complaint, 511 Innovations alleges that it "is the current owner by assignment of all rights, title, and interest in and under the" Asserted Patents.

9. An actual and justiciable controversy has arisen and presently exists between the parties to which Samsung desires a declaration of rights pursuant to 28 U.S.C. § 2201(a) and Rule 57 of the Federal Rules of Civil Procedure.

### **Count One: Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 6,307,629 B1**

10. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

11. Samsung does not and has not infringed, contributed to the infringement, or induced infringement of any valid claim of the '629 Patent.

12. Samsung is entitled to a declaratory judgment that it is not infringing and has not infringed any valid claim of the '629 Patent literally, under the doctrine of equivalents, contributorily, jointly, willfully, or by inducement.

**Count Two:**  
**Declaratory Relief Regarding Invalidity of U.S. Patent No. 6,307,629 B1**

13. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

14. One or more claims of the '629 Patent are invalid for failure to comply with the provisions of the Patent Laws 35 U.S.C. §§ 1, et seq., including, but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103, 111, 112, 116, 132, and/or 251, as Samsung contends.

15. Samsung is entitled to a declaratory judgment that one or more claims of the '629 Patent are invalid.

**Count Three:**  
**Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 6,490,038 B1**

16. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

17. Samsung does not and has not infringed, contributed to the infringement, or induced infringement of any valid claim of the '038 Patent.

18. Samsung is entitled to a declaratory judgment that it is not infringing and has not infringed any valid claim of the '038 Patent literally, under the doctrine of equivalents, contributorily, jointly, willfully, or by inducement.

**Count Four:**  
**Declaratory Relief Regarding Invalidity of U.S. Patent No. 6,490,038 B1**

19. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

20. One or more claims of the '629 Patent are invalid for failure to comply with the provisions of the Patent Laws 35 U.S.C. §§ 1, et seq., including, but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103, 111, 112, 116, 132, and/or 251, as Samsung contends.

21. Samsung is entitled to a declaratory judgment that one or more claims of the '038 Patent are invalid.

**Count Five:**  
**Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 7,113,283 B2**

22. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

23. Samsung does not and has not infringed, contributed to the infringement, or induced infringement of any valid claim of the '283 Patent.

24. Samsung is entitled to a declaratory judgment that it is not infringing and has not infringed any valid claim of the '283 Patent literally, under the doctrine of equivalents, contributorily, jointly, willfully, or by inducement.

**Count Six:**  
**Declaratory Relief Regarding Invalidity of U.S. Patent No. 7,113,283 B2**

25. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

26. One or more claims of the '629 Patent are invalid for failure to comply with the provisions of the Patent Laws 35 U.S.C. §§ 1, et seq., including, but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103, 111, 112, 116, 132, and/or 251, as Samsung contends.

27. Samsung is entitled to a declaratory judgment that one or more claims of the '283 Patent are invalid.

**Count Seven:**  
**Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 6,915,955 B2**

28. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

29. Samsung does not and has not infringed, contributed to the infringement, or induced infringement of any valid claim of the '955 Patent.

30. Samsung is entitled to a declaratory judgment that it is not infringing and has not infringed any valid claim of the '955 Patent literally, under the doctrine of equivalents, contributorily, jointly, willfully, or by inducement.

**Count Eight:  
Declaratory Relief Regarding Invalidity of U.S. Patent No. 6,915,955 B2**

31. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

32. One or more claims of the '629 Patent are invalid for failure to comply with the provisions of the Patent Laws 35 U.S.C. §§ 1, et seq., including, but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103, 111, 112, 116, 132, and/or 251, as Samsung contends.

33. Samsung is entitled to a declaratory judgment that one or more claims of the '955 Patent are invalid.

**Count Nine:  
Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 7,110,096 B2**

34. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

35. Samsung does not and has not infringed, contributed to the infringement, or induced infringement of any valid claim of the '096 Patent.

36. Samsung is entitled to a declaratory judgment that it is not infringing and has not infringed any valid claim of the '096 Patent literally, under the doctrine of equivalents, contributorily, jointly, willfully, or by inducement.

**Count Ten:**  
**Declaratory Relief Regarding Invalidity of U.S. Patent No. 7,110,096 B2**

37. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

38. One or more claims of the '629 Patent are invalid for failure to comply with the provisions of the Patent Laws 35 U.S.C. §§ 1, et seq., including, but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103, 111, 112, 116, 132, and/or 251, as Samsung contends.

39. Samsung is entitled to a declaratory judgment that one or more claims of the '096 Patent are invalid.

**Count Eleven:**  
**Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 7,397,541 B2**

40. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

41. Samsung does not and has not infringed, contributed to the infringement, or induced infringement of any valid claim of the '541 Patent.

42. Samsung is entitled to a declaratory judgment that it is not infringing and has not infringed any valid claim of the '541 Patent literally, under the doctrine of equivalents, contributorily, jointly, willfully, or by inducement.

**Count Twelve:**  
**Declaratory Relief Regarding Invalidity of U.S. Patent No. 7,397,541 B2**

43. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

44. One or more claims of the '629 Patent are invalid for failure to comply with the provisions of the Patent Laws 35 U.S.C. §§ 1, et seq., including, but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103, 111, 112, 116, 132, and/or 251, as Samsung contends.

45. Samsung is entitled to a declaratory judgment that one or more claims of the '541 Patent are invalid.

**Count Thirteen:  
Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 8,472,012 B2**

46. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

47. Samsung does not and has not infringed, contributed to the infringement, or induced infringement of any valid claim of the '012 Patent.

48. Samsung is entitled to a declaratory judgment that it is not infringing and has not infringed any valid claim of the '012 Patent literally, under the doctrine of equivalents, contributorily, jointly, willfully, or by inducement.

**Count Fourteen:  
Declaratory Relief Regarding Invalidity of U.S. Patent No. 8,472,012 B2**

49. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

50. One or more claims of the '629 Patent are invalid for failure to comply with the provisions of the Patent Laws 35 U.S.C. §§ 1, et seq., including, but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103, 111, 112, 116, 132, and/or 251, as Samsung contends.

51. Samsung is entitled to a declaratory judgment that one or more claims of the '012 Patent are invalid.

**Count Fifteen:  
Declaratory Relief Regarding Non-Infringement of U.S. Patent No. 8,786,844 B2**

52. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

53. Samsung does not and has not infringed, contributed to the infringement, or induced infringement of any valid claim of the '844 Patent.

54. Samsung is entitled to a declaratory judgment that it is not infringing and has not infringed any valid claim of the '844 Patent literally, under the doctrine of equivalents, contributorily, jointly, willfully, or by inducement.

**Count Sixteen:**  
**Declaratory Relief Regarding Invalidity of U.S. Patent No. 8786,844 B2**

55. Samsung incorporates by reference each of the foregoing paragraphs of its Counterclaims as if fully set forth herein.

56. One or more claims of the '629 Patent are invalid for failure to comply with the provisions of the Patent Laws 35 U.S.C. §§ 1, et seq., including, but not limited to, one or more of 35 U.S.C. §§ 101, 102, 103, 111, 112, 116, 132, and/or 251, as Samsung contends.

57. Samsung is entitled to a declaratory judgment that one or more claims of the '844 Patent are invalid.

**IV. DEMAND FOR JURY TRIAL**

Samsung demands a trial by jury on all issues so triable.

**V. PRAYER FOR RELIEF**

WHEREFORE, Samsung respectfully prays that this Court:

A. Dismiss with prejudice the complaint in its entirety and award 511 Innovations nothing by its Amended Complaint;

B. Render judgment in favor of Samsung;

C. Adjudge, declare, and decree that Samsung has not infringed, and is not infringing, either literally or by equivalents, directly, contributorily, by inducement, jointly, or willfully any valid claim of the '629 Patent;

D. Adjudge, declare, and decree that one or more claims of the '629 Patent are invalid;

E. Adjudge, declare, and decree that Samsung has not infringed, and is not infringing, either literally or by equivalents, directly, contributorily, by inducement, jointly, or willfully any valid claim of the '038 Patent;

F. Adjudge, declare, and decree that one or more claims of the '038 Patent are invalid;

G. Adjudge, declare, and decree that Samsung has not infringed, and is not infringing, either literally or by equivalents, directly, contributorily, by inducement, jointly, or willfully any valid claim of the '283 Patent;

H. Adjudge, declare, and decree that one or more claims of the '283 Patent are invalid;

I. Adjudge, declare, and decree that Samsung has not infringed, and is not infringing, either literally or by equivalents, directly, contributorily, by inducement, jointly, or willfully any valid claim of the '955 Patent;

J. Adjudge, declare, and decree that one or more claims of the '955 Patent are invalid;

K. Adjudge, declare, and decree that Samsung has not infringed, and is not infringing, either literally or by equivalents, directly, contributorily, by inducement, jointly, or willfully any valid claim of the '096 Patent;

L. Adjudge, declare, and decree that one or more claims of the '096 Patent are invalid;



M. Adjudge, declare, and decree that Samsung has not infringed, and is not infringing, either literally or by equivalents, directly, contributorily, by inducement, jointly, or willfully any valid claim of the '541 Patent;

N. Adjudge, declare, and decree that one or more claims of the '541 Patent are invalid;

O. Adjudge, declare, and decree that Samsung has not infringed, and is not infringing, either literally or by equivalents, directly, contributorily, by inducement, jointly, or willfully any valid claim of the '012 Patent;

P. Adjudge, declare, and decree that one or more claims of the '012 Patent are invalid;

Q. Adjudge, declare, and decree that Samsung has not infringed, and is not infringing, either literally or by equivalents, directly, contributorily, by inducement, jointly, or willfully any valid claim of the '844 Patent;

R. Adjudge, declare, and decree that one or more claims of the '844 Patent are invalid;

S. Award Samsung its costs of suit incurred in this action; and

T. Award Samsung any other relief to which it is entitled or as the Court deems just and proper.

Respectfully submitted,

/s/ Jamil N. Alibhai

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**CO., LTD.**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of this document has been served via the Court's CM/ECF to all counsel of record in accordance with the Federal Rules of Civil Procedure on February 15, 2016.

/s/ Jamil N. Alibhai

Jamil N. Alibhai